

ORDER OF THE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT JOHN STOCKTON, JR.,)	No. C 11-5562 RMW (PR)
)	
Petitioner,)	ORDER DENYING SECOND
)	APPLICATION FOR
vs.)	APPOINTMENT OF COUNSEL
)	
DERREL JOHN ADAMS, Warden,)	
)	
Respondent.)	
_____)	(Docket No. 15.)

Petitioner, a California state prisoner, filed a pro se petition for a writ of habeas corpus.

Petitioner requests appointment of counsel because he is not able to afford services of an attorney. However, the Sixth Amendment's right to counsel does not apply in habeas corpus actions. Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). While 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner if "the court determines that the interests of justice so require," the courts have made appointment of counsel the exception rather than the rule. Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. See Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986).

1 Petitioner has thus far been able to adequately present his claims for relief. No
2 evidentiary hearing appears necessary in this case, nor are any other extraordinary
3 circumstances apparent. Accordingly, the court concludes that appointment of counsel is
4 not necessary at this time. Petitioner's motion for appointment of counsel (docket no. 28)
5 is DENIED without prejudice.

6 IT IS SO ORDERED.

7 DATED: ~~FCFJFG~~


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT JOHN STOCKTON JR,
Plaintiff,

Case Number: CV11-05562 RMW

CERTIFICATE OF SERVICE

v.

DERREL G ADAMS et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 19, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert John Stockton J-80992
C3-109 Security Housing Unit
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dated: December 19, 2012

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk